

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 17-cr-00965-JB

KIRBY CLEVELAND,

Defendant.

**NOTICE WITHDRAWING DEFENDANT KIRBY CLEVELAND'S
MOTION FOR DISCOVERY AND LEAVE TO FILE REPLY BRIEF
WITH INPUT FROM LEARNED COUNSEL [DOC. 43]**

Defendant Kirby Cleveland respectfully gives notice of the withdrawal without prejudice of his *Motion for Discovery and Leave to File Reply Brief with Input from Learned Counsel* [Doc. 43]. This motion related to Mr. Cleveland's motion to recuse the Honorable Kenneth Gonzales from presiding over this case. Given that the case has since been reassigned to the Honorable James O. Browning, the motion for discovery and for leave to file a reply brief is now moot.

Respectfully submitted,

/s/ Theresa M. Duncan _____
Theresa M. Duncan
Duncan Earnest, LLC
515 Granite NW
Albuquerque, NM 87102
505-842-5196
teri@duncanearnest.com

Donald F. Kochersberger III
BUSINESS LAW SOUTHWEST LLC
320 Gold Ave. SW, Suite 610
Albuquerque, New Mexico 87102-3299
(505) 848-8581 (Voice)
(505) 848-8593 (Facsimile)
Donald@BusinessLawSW.com (E-Mail)

Attorneys for Kirby Cleveland

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of March 2018, I filed the foregoing pleading electronically through the CM/ECF system, which caused counsel for Plaintiff and Defendants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Theresa M. Duncan
Theresa M. Duncan